

MAY 27 2008

Appl. No.: 10/572,710

Reply to Office Action of: 03/28/2008

Claim 1 recites, *inter alia*, a "mobile cellular telephone comprising ... an inclinometer mode, in which the processor receives an indication of the detected incline in the first plane from the incline sensor and controls the display to display an item at a position dependent upon the received indication".

Embodiments of applicants' invention relate to a mobile cellular telephone 10 which includes an incline sensor 16 that is arranged to detect the inclination of the mobile telephone 10. The mobile telephone 10 also includes a processor 12 which is arranged to receive signals from the incline sensor 16 when the mobile telephone 10 is placed in an ***inclinometer mode*** (i.e. a mode where the telephone acts as an instrument for enabling a user to measure the inclination of the mobile telephone).

In operation, a user may navigate a menu structure displayed on the display of the mobile telephone 10 and select an option entitled '*Inclinometer*'. If this option is selected, the mobile telephone 10 enters the ***inclinometer mode*** and the processor 12 is then configured to receive signals from the incline sensor 16 and control a display 14 to display an item whose position is dependent upon the inclination measured by the incline sensor 16. As mentioned on page 4, lines 9 to 13 the mobile telephone can emulate a spirit level and thereby enable a user to measure the inclination of a surface (please see page 5, lines 15 to 34).

In contrast, Hinckley merely describes a mobile device (in particular, a sensor-enriched mobile device based on the

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Cassiopeia E-105 Palm-sized PC) that includes a plurality of different sensors (proximity range sensor, touch sensitivity sensor and a tilt sensor) for controlling aspects of the mobile devices functionality and graphical user interface.

As mentioned on page 93, first paragraph, the tilt sensor is a two axis linear accelerometer that detects the tilt of the device relative to the constant acceleration of gravity. The tilt sensors are used to detect the tilt angle of the device and then control the display so that an image is displayed in a landscape mode or a portrait mode according to the detected tilt of the device (please see page 96 and Fig. 8). Fig. 9 illustrates how the device selects the portrait/landscape mode according to the detected angle of the device.

The tilt sensors may be used to scroll through items on a display (please see page 97) and the rate of scrolling may be dependent upon the tilt angle. The tilt sensors may also be used to determine when the device should be powered on/off in conjunction with other sensors (please see page 98).

Hinckley does not disclose or suggest a mobile cellular telephone that "has an inclinometer mode, in which the processor receives an indication of the detected incline in the first plane from the incline sensor and controls the display to display an item at a position dependent upon the received indication" as recited in claim 1.

On page 11 of the office action, the examiner states that the term 'mode' is dictionary defined as "a method of doing". Applicants respectfully submit that this interpretation is erroneous since in the art of computing, the term mode is

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understood to mean 'a setting' (for example, please see encarta® dictionary definition [in particular, definition no. 3 for machine setting] at the following internet address: http://encarta.msn.com/dictionary_1861630701/mode.html, additionally an Appendix including a copy of the above mentioned definition is attached following page 8 of this paper).

Furthermore, the description on page 4, lines 3 to 7 describes how the inclinometer mode may be selected by a user from a menu structure displayed on the display of the mobile cellular telephone. Consequently, a person skilled in the art would understand that the wording "inclinometer mode" recited in the claims relates to a setting on the mobile telephone that a user can select to enable the mobile telephone to function as an inclinometer.

On page 12, first paragraph, of the office action the examiner mentions that "the applicant's assertion that the Hinckley reference fails to teach a mode where the telephone acts as an instrument for enabling a user to measure the inclination of the mobile telephone is irrelevant as this limitation is not claimed". Applicants submit that using the correct above interpretation of the word 'mode', a person skilled in the art would understand that the inclinometer mode enables the mobile cellular telephone to act as an instrument for enabling a user to measure the inclination of the mobile telephone. Consequently, this limitation is implicit in the claims.

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In regards to the examiner's response to arguments on page 12, third paragraph, of the office action, applicants submit that a user would not be able to measure the inclination of the device in Hinckley from the scroll speed (as alleged by the examiner). It would not be possible for a user to accurately determine the angle of tilt from the scroll speed in Hinckley because no numerical value for the angle of tilt is displayed on the device. The user would only be able to view the information displayed on the display of the device move slowly or quickly. Consequently, a user may, at best, be able to make a rough guess at the tilt angle (i.e. small, medium or large for example) but would not be able to measure the actual angle as in embodiments of the present invention which provide an inclinometer mode.

The features of claim 1 are not disclosed or suggested in the art of record. Therefore, claim 1 is patentable and should be allowed.

Claim 24 claims "wherein the mobile cellular telephone emulates a spirit level when it is in the inclinometer mode". Similar to the arguments present above with respect to claim 1, Hinckley does not disclose or suggest a mobile cellular telephone that has an inclinometer mode. Kalinski discloses an image capture apparatus 10 that is arranged to detect the apparatus' orientation when an image is captured. The apparatus is arranged to store the image and associate the stored orientation information therewith. The orientation information may be used to select an image capture mode which orients the captured image by rotating it (please see paragraph 85).

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Kalinski does not disclose that "the mobile cellular telephone emulates a spirit level when it is in the inclinometer mode" as recited in claim 24. Firstly, Kalinski does not disclose "an inclinometer mode" as recited in claim 24 (i.e. there is no disclosure of an inclinometer setting). Secondly, spirit levels are devices which enable a user to view the inclination of a surface. Kalinski does not disclose that the sensors are visible to a user during use and consequently, the sensors are not analogous to a spirit level. Therefore, claim 24 is not rendered obvious by the combination of Hinckley and Kalinski. The features of claim 24 are not disclosed or suggested in the art of record. Therefore, claim 24 is patentable and should be allowed.

Though dependent claims 2-10, 13, and 14 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable claim 1. However, to expedite prosecution at this time, no further comment will be made.

Claim 11 claims "wherein the mobile cellular telephone has an inclinometer mode". Similar to the arguments presented above with respect to claim 1, Hinckley does not disclose or suggest a mobile cellular telephone that has an ***inclinometer mode***, and a user would not be able to measure the inclination of the device in Hinckley from the scroll speed (as alleged by the examiner). The features of claim 11 are not disclosed or suggested in the art of record. Therefore, claim 11 is patentable and should be allowed.

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Claim 15 claims a "mobile telephone ... in an inclinometer mode" and "detecting inclination of the mobile telephone ...". Similar to the arguments presented above with respect to claim 1, Hinckley does not disclose or suggest a mobile cellular telephone that has an inclinometer mode, and a user would not be able to measure the inclination of the device in Hinckley from the scroll speed (as alleged by the examiner). The features of claim 15 are not disclosed or suggested in the art of record. Therefore, claim 15 is patentable and should be allowed.

Though dependent claims 16-23 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable claim 15. However, to expedite prosecution at this time, no further comment will be made.

Claim 25 claims "wherein the mobile cellular telephone has an inclinometer mode". Similar to the arguments presented above with respect to claim 1, Hinckley does not disclose or suggest a mobile cellular telephone that has an inclinometer mode, and a user would not be able to measure the inclination of the device in Hinckley from the scroll speed (as alleged by the examiner). The features of claim 25 are not disclosed or suggested in the art of record. Therefore, claim 25 is patentable and should be allowed.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record. Accordingly, favorable reconsideration and allowance is

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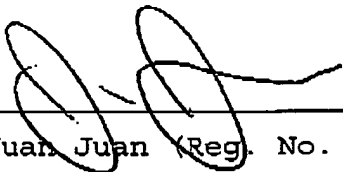
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respectfully requested. If there are any additional charges with respect to this response or otherwise, please charge deposit account 50-1924 for any fee deficiency. Should any unresolved issue remain, the examiner is invited to call applicants' attorney at the telephone number indicated below.

Respectfully submitted,



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APPENDIX**Print Preview mode**[back to Dictionary Results View](#)

On the File menu, click Print to print the information.

mode [mōd] (*plural* modes)

noun

Definition:

1. **manner or form:** a way, manner, or form, e.g. a way of doing something, or the form in which something exists
2. **style or fashion:** a style or fashion, e.g. in art or in dress
3. **machine setting:** a setting or function on a machine such as a computer
4. **type of automatic behavior:** a way of behaving, especially one that is instinctive, familiar, or habitual (*informal humorous*)
 - *in work mode*
5. **MUSIC set pattern of notes:** a musical scale that is one of the seven patterns of notes that can be played over an octave using only the white notes of the piano keyboard. Some modes were widely used in European religious, folk, and art music until around 1600, after which they were largely replaced by keys, while others were used in ancient Greece.
6. **MATHEMATICS STATISTICS most frequent value:** the value that has the highest frequency within a statistical range
7. **LOGIC modal status of proposition:** the modal status of a proposition, e.g. its being necessary or merely possible
8. **PHYSICS radio frequency:** one of the radio frequencies characteristic of a given resonator or oscillator
9. **PHILOSOPHY combination of ideas:** a combination of ideas that cannot be worked out merely by analysis of its components

[14th century. < Latin *modus* "measure"]